

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE JOINT APPLICATION)	
OF VERIZON DELAWARE INC., AND CYPRESS)	
COMMUNICATIONS OPERATING COMPANY, INC.,)	
FOR APPROVAL OF AN INTERCONNECTION)	PSC DOCKET NO. 03-339
AGREEMENT PURSUANT TO SECTION 252(e) OF)	
THE TELECOMMUNICATIONS ACT OF 1996)	
(FILED AUGUST 7, 2003))	

FINDINGS, OPINION, AND ORDER NO. 6384

A. BACKGROUND

1. On August 7, 2003, Cypress Communications Operating Company, Inc. ("Cypress"), and Verizon Delaware Inc. ("Verizon"), submitted to the Commission an interconnection agreement negotiated between the two parties. The submitted agreement along with the Adoption Letter dated June 2, 2003, stated that Cypress was exercising its rights under 47 U.S.C. § 252(i) to adopt the interconnection agreement between Verizon California Inc., and ICG Telecom Group, Inc., which the California Public Utilities Commission approved on February 7, 2002 in Docket AL 107, T-16631. The Verizon California/ICG agreement had been previously opted into by ICG Telecom Group for operations in Delaware and the Commission approved that action on June 3, 2003 in PSC Order No. 6171.

2. On January 8, 2004, Verizon filed a letter including Amendment No. 2¹ to the Interconnection Agreement between Verizon and Cypress. The Amendment, effective December 19, 2003, adds provisions to the original agreement to give contractual effect to changes made by the Federal Communications Commission's Triennial Review Order ("TRO") issued on October 3, 2003.

3. Pursuant to Guideline 30 of the Commission's "Guidelines for Negotiations, Mediation, Arbitration, and Approval of Agreements Between Local Exchange Telecommunications Carriers" (as revised effective May 10, 2001), notice of the filing of the Amendment was posted on the Commission's website.

4. Only Staff filed comments in response to the notice. Staff reported that there was no reason to reject the proffered Amendment. The Commission will consider the Amendment at its meeting of April 6, 2004.

B. FINDINGS AND OPINION

5. The Commission has the authority and jurisdiction to review the Amendment to the interconnection agreement under 47 U.S.C. § 252(e)(1) and 26 Del. C. § 703(4).

6. The Commission determines that there is no reason to reject the Amendment under the review criteria set forth in 47 U.S.C. § 252(e)(2)(A). The Commission has not received any information to suggest that the terms of this Amendment discriminate against other carriers or that implementation of the Amendment would be inconsistent with the public interest.

7. The approval granted here is given under the terms of 47 U.S.C. § 252(e)(2)(A). Specifically, the Commission does not make any finding whether the terms and prices set forth in the Amendment meet the substantive requirements of 47 U.S.C. § 251 or the pricing standard under 47 U.S.C. § 252(d).

¹Amendment No. 1 was approved by PSC Order No. 6291 (October 21, 2003).

C. ORDERING PARAGRAPHS

Now, therefore, this 6th day of April, 2004, **IT IS ORDERED:**

1. That, the Amendment to the interconnection agreement entitled Amendment No. 2, submitted by Verizon Delaware Inc., and Cypress Communications Operating Company, Inc., on January 8, 2004, is hereby approved under 47 U.S.C. § 252(e)(2)(A).

2. That, within ten (10) days of this Order, Verizon Delaware Inc., and Cypress Communications Operating Company, Inc., shall file with the Commission a revised, complete interconnection agreement which shall incorporate Amendment No. 2. The revised agreement may substitute the new provisions or attach the amendment to the previously approved interconnection agreement. The revised agreement shall be available for public inspection and copying pursuant to the provisions of 47 U.S.C. § 252(h).

3. That, pursuant to the provisions of 47 U.S.C. § 252(i), Verizon Delaware Inc., shall make available any interconnection, service, or network element provided under the above agreement to any other requesting telecommunications carrier upon the same terms and conditions as provided in the agreement.

4. That the Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

/s/ Arnetta McRae
Chair

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Vice Chair

/s/ Joann T. Conaway
Commissioner

/s/ Donald J. Puglisi
Commissioner

/s/ Jaymes B. Lester
Commissioner

ATTEST:

/s/ Karen J. Nickerson
Secretary